

## Assembly Constitutional Amendment

No. 21

Introduced by Assembly Member Feuer

January 5, 2012

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of, and by adding Section 4.5 to, Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 21, as introduced, Feuer. Taxation: educational entities: parcel tax.

The California Constitution generally conditions the imposition of a special tax by a city, county, or special district, including a school district, upon the approval of  $\frac{2}{3}$  of the voters of the city, county, or special district voting on that tax.

This measure would alternatively condition the imposition, extension, or increase of a parcel tax, as defined, by a school district, community college district, or county office of education upon the approval of 55% of its voters voting on the proposition, if the proposition meets specified requirements. This measure would also make conforming changes to related provisions.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2010–11 Regular

1 Session commencing on the sixth day of December 2010,  
2 two-thirds of the membership of each house concurring, hereby  
3 proposes to the people of the State of California, that the  
4 Constitution of the State be amended as follows:

5 First—That Section 4 of Article XIII A thereof is amended to  
6 read:

7 SEC. 4. ~~Cities, Counties and special districts, Except as~~  
8 ~~provided by Section 4.5, a city, county, or special district, by a~~  
9 ~~two-thirds vote of the qualified electors of such district its voters~~  
10 ~~voting on the proposition, may impose special taxes on such district~~  
11 ~~a special tax within that city, county, or special district, except an~~  
12 ~~ad valorem taxes tax on real property or a transaction transactions~~  
13 ~~tax or sales tax on the sale of real property within such City, County~~  
14 ~~that city, county, or special district.~~

15 Second—That Section 4.5 is added to Article XIII A thereof,  
16 to read:

17 SEC. 4.5. (a) The imposition, extension, or increase of a parcel  
18 tax on real property by a school district, community college district,  
19 or county office of education, as may otherwise be authorized by  
20 law, is subject to approval by 55 percent of the voters of that district  
21 or county voting on the proposition, if all of the following  
22 conditions are met:

23 (1) The proposition is approved by a majority vote of the  
24 membership of the governing board of the school district,  
25 community college district, or county office of education.

26 (2) The proposition contains all of the following accountability  
27 requirements:

28 (A) A list of the specific purposes and programs to be funded.

29 (B) A requirement that the proceeds be used only for the  
30 purposes and programs specified in the proposition, and not for  
31 any other purpose.

32 (C) To ensure compliance with subparagraph (B), a requirement  
33 that the governing board of the school district, community college  
34 district, or county office of education conduct an annual  
35 independent financial audit of the amount of parcel tax proceeds  
36 collected and expended, and the specified purposes and programs  
37 funded.

38 (D) To ensure compliance with subparagraph (B), a requirement  
39 that the governing board of the school district, community college  
40 district, or county office of education establish a citizens' oversight

committee to review all expenditures of proceeds and financial audits, and report its findings to the governing board and to the public.

(3) The proposition allows for an exemption from tax, to be claimed under procedures established by the county, for any parcel that, as of January 1 of each year, is owned by, and upon which is located the principal residence of, either a person or persons 65 years of age or older, or, without regard to age, a person or persons receiving Supplemental Security Income for a disability.

(b) For purposes of this section, “parcel tax” means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property’s value.

(c) The total amount of parcel tax impositions, increases, or extensions submitted to the voters for approval in accordance with this section at any election by a school district, community college district, or county office of education shall not exceed two hundred fifty dollars (\$250) per parcel each year. This maximum amount shall be annually adjusted to account for inflation, measured as the annual change, from June to June of each year, in the United States city average of the Consumer Price Index for all Urban Consumers, as published by the United States Bureau of Labor Statistics, or any successor to that index.

(d) Proceeds of any tax approved pursuant to this section shall not be used to pay salaries of any administrator of any school district, community college district, or county office of education.

(e) This section does not limit the authority of a school district, community college district, or county office of education to impose a special tax approved in accordance with Section 4 of this article or Section 2 of Article XIII C.

Third—That Section 2 of Article XIII C thereof is amended to read:

~~SEC. 2. Local Government Tax Limitation.~~ Notwithstanding any other provision of this Constitution:

~~(a) All taxes—Any tax imposed by any local government shall be deemed to be is either a general taxes tax or a special taxes tax. Special purpose districts A special district or agencies agency, including a school districts, shall have district, has no power authority to levy a general taxes tax.~~

~~(b) No~~ A local government may *not* impose, extend, or increase any general tax unless and until that tax is submitted to the

1 electorate and approved by a majority vote. A general tax ~~shall is~~  
2 ~~not be~~ deemed to have been increased if it is imposed at a rate not  
3 higher than the maximum rate so approved. The election required  
4 by this subdivision shall be consolidated with a regularly scheduled  
5 general election for members of the governing body of the local  
6 government, except in cases of emergency declared by a unanimous  
7 vote of the governing body.

8 (c) Any general tax imposed, extended, or increased, without  
9 voter approval, by any local government on or after January 1,  
10 1995, and prior to ~~the effective date of this article~~ *November 6,*  
11 *1996,* ~~shall may~~ continue to be imposed only if *that general tax is*  
12 approved by a majority vote of the voters voting in an election on  
13 the issue of the imposition, which election shall be held ~~within~~  
14 ~~two years of the effective date of this article~~ *no later than*  
15 *November 6, 1998,* and in compliance with subdivision (b).

16 (d) ~~No~~ *Except as provided by Section 4.5 of Article XIII A,* a  
17 local government may *not* impose, extend, or increase any special  
18 tax unless and until that tax is submitted to the electorate and  
19 approved by a two-thirds vote. A special tax ~~shall is~~ not be deemed  
20 to have been increased if it is imposed at a rate not higher than the  
21 maximum rate so approved.

22 Fourth—That Section 3 of Article XIII D thereof is amended  
23 to read:

24 SEC. 3. ~~Property Taxes, Assessments, Fees and Charges~~  
25 ~~Limited.~~ (a) ~~No~~ *An agency shall not assess a tax, assessment, fee,*  
26 *or charge shall be assessed by any agency* upon any parcel of  
27 property or upon any person as an incident of property ownership  
28 except:

29 (1) The ad valorem property tax imposed pursuant to Article  
30 XIII and Article XIII A.

31 (2) Any special tax receiving a two-thirds vote pursuant to  
32 Section 4 of Article XIII A, *or, as applicable, a 55-percent vote*  
33 *pursuant to Section 4.5 of Article XIII A.*

34 (3) Assessments as provided by this article.

35 (4) Fees or charges for property related services as provided by  
36 this article.

1 (b) For purposes of this article, fees for the provision of electrical  
2 or gas service ~~shall~~ *are* not be deemed charges or fees imposed as  
3 an incident of property ownership.

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